

SAN DIEGO COUNTY SUPERIOR COURT RULES

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DIVISION VII - APPELLATE

**CHAPTER 1
GENERAL POLICIES
AND PROCEDURES**

Rule 7.1

Policy

The business of the Appellate Division of the San Diego Superior Court will be conducted in conformity with the applicable provisions of article VI, section 4 of the California Constitution, the California Rules of Court, applicable statutes, and the decisions of the California Supreme Court and Courts of Appeal.

(Eff. 1/1/2000; Renumbered 7/1/2001)

Rule 7.2

Adoption of Rule 187.5 of the California Rules of Court

Notwithstanding any other rule, rule 187.5 of the California Rules of Court shall apply to every appeal in a misdemeanor case in which all or part of the proceedings were officially recorded electronically and in which the notice of appeal is filed after December 31, 1999.

This rule does not limit the court's power or the trial judge's authority to order corrections, changes, additions, or deletions to a stipulated settled statement.

(Eff. 1/1/2000; Renumbered 7/1/2001)

**CHAPTER 2
WRIT PROCEDURES, POLICIES,
AND PROTOCOL IN LIMITED
CIVIL AND CRIMINAL CASES**

Rule 7.3

Application of the California Rules of Court

For all petitions for extraordinary relief in limited civil, misdemeanor, and infraction cases which name San Diego Superior Court as respondent, wherever the San Diego Superior Court Rules do not provide specific guidance regarding the proper writ petition procedures, the provisions of the California Rules of Court, Title I, Appellate Rules, shall apply.

(Eff. 1/1/2000; Renumbered 7/1/2001)

Rule 7.4

Filing Requirements

A. All such petitions must be filed in the Central Division business office on the third floor of the Hall of Justice at 330 West Broadway, San Diego, California. No such petitions will be accepted for filing anywhere else. Unless otherwise ordered, any subsequent pleadings and papers in the same matter must be filed in the same office.

B. All such petitions will be assigned civil case numbers.

C. No filing fee will be required when a petition arises from a criminal case.

D. The petitioner or counsel for the petitioner is required to submit one original and five copies of

the petition. Each copy of the petition must include all declarations, exhibits and/or other permissible attachments.

E. If the underlying action is civil, petitioner must also include envelopes bearing sufficient postage for service of the court's orders and addressed to petitioner, respondent(s), and real party/parties in interest.

(Eff. 1/1/2000; Rev. eff. 1/1/2001; Renumbered 7/1/2001)

Rule 7.5

Request for Stay

If a stay of the trial court proceeding is requested in the writ petition, the petition shall so state prominently on the title page. The petition shall set forth all time constraints which are relevant to the request for stay.

If petitioner is seeking a stay of the underlying proceeding in a civil action, petitioner shall include envelopes bearing sufficient postage for service of the court's orders. Two envelopes should be addressed to petitioner, respondent(s), and real party/parties in interest.

(Eff. 1/1/2000; Renumbered 7/1/2001)

Rule 7.6

Disposition of Petition

Within 15 days of the filing of the writ petition, the court will either summarily deny the petition or issue an alternative order to show cause why the relief requested should not be granted. If the alternative writ or order to show cause is issued, the court shall allow at least 5 days for the court to act or the party to file a responsive pleading, except as herein provided. If the court grants petitioner's request for stay, the court will allow at least 10 days for a response. On the motion of any party for good cause shown, or on the court's own motion, the court may shorten or extend time for doing any act under this rule.

(Eff. 1/1/2000; rev. eff. 1/1/2001; Renumbered 7/1/2001)

